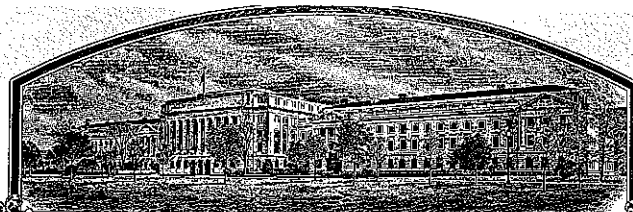


No.

200000329



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pioneer Hi-Bred International, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR OFFERING IT FOR EXPORT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED IN THE PLANT VARIETY PROTECTION ACT. (34 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WHEAT, COMMON

'25R44'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this eighth day of May, in the year of our Lord two thousand one.

Attest:

Alan R. Port

Acting Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

W. W. Henderson

Secretary of Agriculture

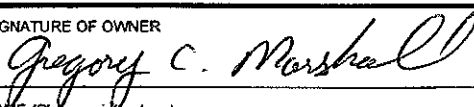
U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

The following state-ments are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions and information collection burden statement on reverse)

| | | | | | |
|--|--|--|--|---|--|
| 1. NAME OF OWNER Pioneer Hi-Bred International, Inc. | | 2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME | | 3. VARIETY NAME 26R38 | |
| 4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) Research and Product Development Wheat Research 3850 N. 100 E. Windfall, IN 46076 | | 5. TELEPHONE (include area code) (765) 945-7906 | | FOR OFFICIAL USE ONLY PVPO NUMBER 200000339 FILING DATE September 8, 2000 | |
| | | 6. FAX (include area code) (765) 945-8313 | | | |
| 7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation | | 8. IF INCORPORATED, GIVE STATE OF INCORPORATION Iowa | | 9. DATE OF INCORPORATION May 1926 | |
| 10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Dr. Gregory C. Marshall Pioneer Hi-Bred International, Inc. Wheat Research 3850 N. 100 E. Windfall, IN 46076 | | | | FILING AND EXAMINATION FEES: \$ 2450.⁰⁰ DATE Sept. 8, 2000 CERTIFICATION FEE: \$ 320⁰⁰ DATE 4-30-01 | |
| 11. TELEPHONE (include area code) (765) 945-7906 | | 12. FAX (include area code) (765) 945-8313 | | 13. E_MAIL marshallg@phibred.com | |
| 14. CROP KIND (Common Name) Wheat | | 15. GENUS AND SPECIES NAME OF CROP Triticum aestivum | | 16. FAMILY NAME (Botanical) gramineae | |
| 17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | 18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$2,450), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office) | | 19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 83(a) of the Plant Variety Protection Act <input type="checkbox"/> YES (If "yes", answer items 20 and 21 below) <input checked="" type="checkbox"/> NO (If "no," go to item 22) | |
| 20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO | | 21. IF "YES" TO ITEM 20, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED | | 22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.) | |
| 23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.) | | 24. The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties. | | | |
| SIGNATURE OF OWNER  | | SIGNATURE OF OWNER | | | |
| NAME (Please print or type) Gregory C. Marshall | | NAME (Please print or type) | | | |
| CAPACITY OR TITLE Coordinator of Wheat Research | | DATE 9/6/00 | | CAPACITY OR TITLE | |
| | | | | DATE | |

18A. Exhibit A. Origin and Breeding History of Pioneer Wheat Cultivar 26R38.

Pioneer Cultivar '26R38', a soft red winter wheat (*Triticum aestivum* L.), was developed by Pioneer Hi-Bred International, Inc. Using a modified pedigree selection breeding method, 26R38 was derived from the three parent cross:

FL7927-G14/ WEF079//WEG0080A

FL7927-G14 is a sib of Florida 303, derived from the cross: 'Coker 797'/'FL 302'. WEF079 is a Pioneer experimental line derived from the cross: '2555'*4/'Stella'/2555 sib. WEG0080A is a Pioneer experimental line derived from the cross: 2555*7/'Salami'//2555*5/KS81H1640HF. KS81H1640HF is an experimental line from Kansas State University derived from the cross: KU221-14 (*Triticum tauschii* accession)/'Eagle'//NE 73640/3/'Cheney'. The detailed parentage of 26R38 is:

Coker 797/FL 302/3/ 2555*4//Stella/2555 sib/5/2555*7/'Salami'//2555*5/4/KU221-14/Eagle//NE 73640/3/'Cheney

The single cross between FL7927-G14 and WEF079 was made in the spring of 1987 in Windfall, IN and was designated ABI1031. The final cross between ABI1031 and WEG0080A was made in the fall of 1987 at Hutchinson, KS and was designated ABJ0572. The seed from this cross then proceeded through a modified pedigree selection breeding system as follows:

| <u>Year</u> | <u>Generation</u> | |
|-------------|-------------------|---|
| 1987 | Final cross | Cross designated ABJ0572 |
| 1988 | F1 | Grown in spring transplant nursery in Windfall, IN |
| 1988-89 | F2 | Bulk population grown at St. Matthews, SC. Harvested bulk selection. |
| 1989-90 | F3 | Bulk selection grown at St. Matthews, SC. Individual head selections made. |
| 1990-91 | F4 | Headrows of F3 selections grown at St. Matthews, SC. |
| 1991-92 | F5 | F4 selections grown in F5 observation plots in St. Matthews, SC and Statesboro, GA. |
| 1992-93 | F6 | F5 selections grown in F6 observation plots in St. Matthews, SC and Statesboro, GA. |

| | | |
|-----------|-----|---|
| 1993-94 | F7 | F7 head selections grown in headrows at St. Matthews, SC. |
| 1994-95 | F8 | Preliminary yield testing of F7 selections at two locations. One selection designated ABJ0572D6. |
| 1995-96 | F9 | Advanced yield testing of ABJ0572D6. 100 heads harvested from bulk increase. |
| 1996-97 | F10 | Elite yield testing of ABJ0572D6. 100 purification headrows grown. 200 heads harvested from bulk increase. |
| 1997-98 | F11 | Elite yield testing continued. 200 headrows grown, surrounded by 0.20 acre increase, consisting of selected progeny plots from prior year headrows and bulk from bulk increase. |
| 1998-99 | F12 | Elite yield testing continued, designated as 'YW682'. Pioneer Parent Seed Operations continued increase. |
| 1999-2000 | F13 | Elite yield testing continued, designated as 'XW682'. Pioneer Parent Seed Operations continued increase. |

Decision to release was made in August of 2000, at which time ABJ0572D6 received the commercial designation '26R38'.

The cultivar 26R38 was bred and selected at each generation for any or all of the following characteristics: disease resistance, plant type, plant height, head type, straw strength, maturity, grain yield, test weight, and milling and baking qualities.

26R38 has been observed to be uniform and stable since the 8th generation, or the last 6 generations. Variants are limited to not more than 1/15,000 in total and may include slightly later heading, slightly taller or awnless plants.

18B. Exhibit B. Statement of Distinctness:

26R38 is most similar to Pioneer variety 2555 but with the following distinguishing characteristics:

1. The flag leaf of 26R38 twisted, while that of 2555 is not twisted.
2. The anthers of 26R38 are yellow, while those of 2555 are purple.
3. ~~The coleoptile anthocyanin of 26R38 is absent, while that of 2555 is present.~~

deleted
per
phone
conversation
MAY 3-30-2001

REPRODUCE LOCALLY. Include form number and date on all reproductions.

Form Approved - OMB No. 0581-0055

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Jamie L. Whitten Building, Washington, D.C. 20250. When replying, refer to OMB No. 0581-0055 and form number in your letter. Under the PRA of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact the USDA Office of Communications at (202) 720-2791. To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call (202) 720-7327 (voice) or (202) 720-1127 (TDD). USDA is an equal opportunity employer.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT C
(Wheat)

OBJECTIVE DESCRIPTION OF VARIETY
WHEAT (*Triticum* spp.)

| | |
|---|---------------------------------------|
| NAME OF APPLICANT(S) Pioneer Hi-Bred International, Inc. | FOR OFFICIAL USE ONLY |
| ADDRESS (Street and No. or RD No., City, State, and Zip Code) Research and Product Development Wheat Research 3850 N. 100 E. Windfall, IN 46076 | PVPO NUMBER 200000339 |
| | VARIETY NAME 26R38 |
| | TEMPORARY OR EXPERIMENTAL DESIGNATION |

PLEASE READ ALL INSTRUCTIONS CAREFULLY: Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (e.g. or) when number is either 99 or less or 9 or less respectively. Data for quantitative plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used: **Munsell Color Charts for Plant Tissues**
Please answer all questions for your variety; lack of response may delay progress of your application.

1. KIND:

1=Common 2=Durum 3=Club 4=Other (SPECIFY): _____

2. VERNALIZATION:

1=Spring 2=Winter 3=Other (SPECIFY): _____

3. COLEOPTILE ANTHOCYANIN:

1=Absent 2=Present

4. JUVENILE PLANT GROWTH:

1=Prostrate 2=Semi-erect 3=Erect

5. PLANT COLOR (boot stage):

1 = Yellow-Green 2 = Green 3 = Blue-Green

6. FLAG LEAF (boot stage):

1 = Erect 2 = Recurved 1 = Not Twisted 2 = Twisted

7. EAR EMERGENCE:

Number of Days Earlier Than _____ *

Number of Days Later Than **2580** _____ *

8. ANTER COLOR:

1 = Yellow

2 = Purple

9. PLANT HEIGHT (from soil to top of head, excluding awns): 96.3 cm

cm Taller Than 2580

cm Shorter Than

* Relative to a PVPO-Approved Commercial Variety Grown in the Same Trial

10. STEM:

A. ANTHOCYANIN

1 = Absent

2 = Present

D. INTERNODE (SPECIFY NUMBER)

1 = Hollow

2 = Semi-solid

3 = Solid

B. WAXY BLOOM

1 = Absent

2 = Present

E. PEDUNCLE

1 = Absent

2 = Present

C. HAIRINESS (last internode of rachis)

1 = Absent

2 = Present

cm Length

11. HEAD (at Maturity):

A. DENSITY

1 = Lax
3 = Dense

2 = Middense

C. CURVATURE

1 = Erect

2 = Inclined

3 = Recurved

B. SHAPE

1 = Tapering
3 = Clavate2 = Strap
4 = Other (SPECIFY):

D. AWNEDNESS

1 = Awnless
3 = Awnletted2 = Apically Awnletted
4 = Awned

12. GLUMES (at Maturity):

A. COLOR

1 = White

2 = Tan

3 = Other (SPECIFY):

C. BEAK

1 = Obtuse

2 = Acute

3 = Acuminate

B. SHOULDER

1 = Wanting
3 = Rounded
5 = Elevated2 = Oblique
4 = Square
6 = Apiculate

D. LENGTH

1 = Short

2 = Medium

(ca. 7mm)

(ca. 8mm)

3 = Long (ca. 9mm)

12. GLUMES (at Maturity) *Continued*:

E. WIDTH

- ☐ 3 1 = Narrow (ca. 3mm) 2 = Medium (ca. 3.5mm)
 3 = Wide (ca. 4mm)

13. SEED:

A. SHAPE

- ☐ 1 1 = Ovate 2 = Oval 3 = Elliptical

C. BRUSH

- ☐ 3 1 = Short 2 = Medium 3 = Long

- ☐ 1 1 = Not Collared 2 = Collared

B. CHEEK

- ☐ 1 1 = Rounded 2 = Angular

D. CREASE

- ☐ 1 1 = Width 60% or less of Kernel
 2 = Width 80% or less of Kernel
 3 = Width Nearly as Wide as Kernel

- ☐ 2 1 = Depth 20% or less of Kernel
 2 = Depth 35% or less of Kernel
 3 = Depth 50% or less of Kernel

E. Color

- ☐ 3 1 = White 2 = Amber 3 = Red
 4 = OTHER (Specify)

G. PHENOL REACTION (*see instructions*):

- ☐ 6 1 = Ivory 2 = Fawn
 3 = Light Brown 4 = Dark Brown
 5 = Black

6 = Brown

F. TEXTURE

- ☐ 2 1 = Hard 2 = Soft

14. DISEASE: (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

PLEASE INDICATE THE SPECIFIC RACE OR STRAIN TESTED

☐ 0 Stem Rust (*Puccinia graminis* f. sp. *tritici*)

☐ 3 Leaf Rust (*Puccinia recondita* f. sp. *tritici*)
 Field races

☐ 0 Stripe Rust (*Puccinia striiformis*)

☐ 0 Loose Smut (*Ustilago tritici*)

☐ 3 Tan Spot (*Pyrenophora tritici-repentis*)
 Field races

☐ 0 Flag Smut (*Urocystis agropyri*)

☐ 0 Halo Spot (*Selenophoma donacis*)

☐ 0 Common Bunt (*Tilletia tritici* or *T. laevis*)

☐ 3 *Septoria nodorum* (Glume Blotch)
 Field races

☐ 0 Dwarf Bunt (*Tilletia controversa*)

☐ 0 *Septoria avenae* (Speckled Leaf Disease)

☐ 0 Karnal Bunt (*Tilletia indica*)

☐ 3 *Septoria tritici* (Speckled Leaf Blotch)
 Field races

☐ 3 Powdery Mildew (*Erysiphe graminis* f. sp. *tritici*)
 Field races

☐ 0 Scab (*Fusarium* spp.)

☐ 0 "Snow Molds"

14. Disease (Continued) (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

PLEASE INDICATE THE SPECIFIC RACE OR STRAIN TESTED

| | |
|--|---|
| <input type="checkbox"/> 0 "Black Point" (Kernel Smudge) | <input type="checkbox"/> 0 Common Root Rot (<i>Fusarium</i> , <i>Cochliobolus</i> and <i>Bipolaris</i> spp.) |
| <input type="checkbox"/> 0 Barley Yellow Dwarf Virus (BYDV) | <input type="checkbox"/> 0 Rhizoctonia Root Rot (<i>Rhizoctonia solani</i>) |
| <input type="checkbox"/> 3 Soilborne Mosaic Virus (SBMV) Field races | <input type="checkbox"/> 0 Black Chaff (<i>Xanthomonas campestris</i> pv. <i>translucens</i>) |
| <input type="checkbox"/> 3 Wheat Yellow (Spindle Streak) Mosaic Virus Field races | <input type="checkbox"/> 0 Bacterial Leaf Blight (<i>Pseudomonas syringae</i> pv. <i>syringae</i>) |
| <input type="checkbox"/> 0 Wheat Streak Mosaic Virus (WSMV) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Other (SPECIFY) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Other (SPECIFY) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Other (SPECIFY) | <input type="checkbox"/> Other (SPECIFY) |

15. INSECT: (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

PLEASE SPECIFY BIOTYPE (where needed)

| | |
|---|--|
| <input type="checkbox"/> 1 Hessian Fly (<i>Mayetiola destructor</i>) Biotypes GP | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> 0 Stem Sawfly (<i>Cephus</i> spp.) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> 0 Cereal Leaf Beetle (<i>Oulema melanopa</i>) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> 0 Russian Aphid (<i>Diuraphis noxia</i>) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> 0 Greenbug (<i>Schizaphis graminum</i>) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> 0 Aphids | <input type="checkbox"/> Other (SPECIFY) |

16. ADDITIONAL INFORMATION ON ANY ITEM ABOVE, OR GENERAL COMMENTS

18D. Exhibit D. Additional Description of the Variety.**1) Yield and agronomic data.**

26R38 has been wide-scale yield tested, using comparative research plots since the 1996 growing season. Testing has been conducted across the area of adaptation, including locations in Virginia, North Carolina, South Carolina, Georgia (Table 1).

2) Information on reaction to major diseases.

Leaf rust - good resistance to prevalent races in the southeastern soft wheat region.

Powdery mildew - good resistance to prevalent races in the southeastern soft wheat region.

Wheat spindle streak mosaic virus - moderate resistance.

Leaf blights - good tolerance to the complex of most common organisms which cause leaf blights including: *Septoria tritici* blotch, *Stagnosporium nodorum* blotch, and tan spot.

3) Information on reaction to major insects.

Hessian fly - Has screened susceptible to biotype GP in tests conducted by the Dept. of Entomology, Purdue University, in conjunction with the USDA-ARS Insect and Disease Control unit (1998 data).

4) Information on Milling and Baking Qualities.

26R38 has above average soft wheat milling and baking quality (Table 2).

Table 1. Varietal yield performance and agronomic characteristics recorded in Pioneer Elite yield tests in VA, NC, SC and GA during the period 1997-2000.

| Variety | Grain yield | Test weight | Heading date | Plant height | Straw Lodging | Leaf rust | Powdery mildew | Leaf blight | SSMV [#] |
|--------------|-------------|-------------|--------------|--------------|------------------|------------------|------------------|------------------|-------------------|
| | bu/ac | lb/bu | Jan 1. | cm | 1-9 [@] | 1-9 [@] | 1-9 [@] | 1-9 [@] | 1-9 [@] |
| 26R38 | 85.3 | 55.7 | 96.9 | 96.3 | 7.5 | 6.4 | 6.8 | 6.0 | 6.0 |
| 2580 | 79.0 | 54.0 | 97.1 | 87.6 | 7.5 | 6.2 | 7.7 | 3.8 | 6.5 |
| 2643 | 77.7 | 55.3 | 96.3 | 74.7 | 8.5 | 6.2 | 8.7 | 6.0 | 7.3 |
| 2684 | 78.4 | 56.4 | 93.3 | 85.9 | 8.0 | 6.0 | 7.2 | 4.0 | 8.8 |
| lsd(0.05) | 4.5 | 0.7 | 2.3 | 6.1 | 1.6 | 1.1 | 1.0 | 1.1 | 1.7 |
| # envs. | 23 | 23 | 4 | 4 | 1 | 3 | 5 | 2 | 2 |

[#] SSMV = Spindle streak mosaic virus

[@] Scale of 1 to 9, where 9 = excellent or resistant; 1 = poor or susceptible.

Data in the above table gathered at: Suffolk, VA; Charles City, VA; Greenville, NC; Edenton, NC; Belhaven, NC; Elizabeth City, NC; Rowland, NC; St. Matthews, SC; Darlington, SC; Manning, SC; Americus, GA; and Davisboro, GA.

Table 2. Soft wheat quality data from the Pioneer Quality Lab, Johnston, IA 1997-99.

| Variety | Flour yield | Break flr yld | AWRC | Cookie |
|--------------|-------------|---------------|-------------|-------------|
| | % | % | % | cm |
| 26R38 | 70.5 | 35.9 | 53.3 | 18.5 |
| 2580 | 67.2 | 34.6 | 54.5 | 18.1 |
| 2643 | 68.8 | 36.8 | 54.4 | 18.5 |
| 2684 | 69.4 | 34.5 | 52.0 | 18.5 |
| lsd(0.05) | 1.5 | 1.4 | 1.4 | 0.4 |
| # obs. | 8 | 8 | 7 | 6 |

Trait abbreviations used in the above table:

AWRC = Flour Alkaline Water Retention Capacity (%)

Cookie = Cookie diameter in cm.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

EXHIBIT E **STATEMENT OF THE BASIS OF OWNERSHIP**

| | | | |
|---|--|--|--|
| 1. NAME OF APPLICANT(S) Pioneer Hi-Bred International, Inc. | | 2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER | 3. VARIETY NAME 26R38 |
| 4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) Research and Product Development Wheat Research 3850 N. 100 E. Windfall, IN 46076 | | 5. TELEPHONE (include area code) (765) 945-7906 | 6. FAX (include area code) (765) 945-8313 |
| | | 7. PVPO NUMBER 200000339 | |
| 8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain. <div style="text-align: right;"><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</div> | | | |
| 9. Is the applicant (individual or company) a U.S. national or U.S. based company? If no, give name of country <div style="text-align: right;"><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</div> | | | |
| 10. Is the applicant the original owner? <div style="text-align: center;"><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</div> If no, please answer one of the following: a. If original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. national(s)? <div style="text-align: center;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div> If no, give name of country b. If original rights to variety were owned by a company(ies), is(are) the original owner(s) a U.S. based company? <div style="text-align: center;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div> If no, give name of country | | | |
| 11. Additional explanation on ownership (if needed, use reverse for extra space): | | | |

PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensors) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and reviewing the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, genetic testing, and marital or familial status. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (braille, large print, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call 1-800-245-4340 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.

STD-470-E (07-97) (Destroy previous editions).

Electronic version designed using WordPerfect InForms by USDA-AMS-IMB.